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December 9, 2019

Via ECF and Email (EngelmayerNYSDCChambers@nysd.uscourts.gov)

The Honorable Paul A. Engelmayer
United States District Judge
United States District Court for the Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

**Re: *Blair v. Alstom Transportation, Inc. and Kawasaki Rail Car, Inc.*,
No. 1:16-cv-03391-PAE-JLC**

Dear Judge Engelmayer:

We represent defendant Kawasaki Rail Car, Inc. ("Kawasaki") in this action.

Today, Kawasaki is filing its Motion for Judgment on the Pleadings, a Finding of Exceptional Case, and Attorneys' Fees and Costs Pursuant to 35 U.S.C. § 285 and Fed. R. Civ. P. 54(d). Kawasaki's motion seeks the recovery of Kawasaki's attorneys' fees in this patent case pursuant to 35 U.S.C. § 285.

Kawasaki's motion is supported by exhibits that document the amounts of the attorneys' fees and costs that Kawasaki seeks to recover. Three of those exhibits (Exhibits B.1-B.3 to the Declaration of Sheila Mortazavi) include Kawasaki's counsel's detailed billing entries for this case, including counsel's standard hourly billing rates, agreed rate discounts pursuant to a confidential fee arrangement with Kawasaki, write-offs and write-downs, as well as detailed time entries describing the work performed. The standard hourly rate and agreed rate discount information is sensitive and confidential financial information. In addition, although the detailed time entries were reviewed for privilege, Kawasaki is reserving its right to "claw back" any of those entries pursuant to paragraph 19 of the Protective Order entered in this case if they are later found to contain privileged or work product information. Kawasaki has provided summaries based on Exhibits B.1-B.3 that remove this sensitive information, and those summaries are being publicly filed along with the motion.

Therefore, Kawasaki respectfully requests, pursuant to Sections 4.B and 6.B of Your Honor's Individual Practices, that Kawasaki be permitted to file these three exhibits under seal. The copies of these three exhibits are attached.

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Respectfully submitted,


Sheila Mortazavi

Counsel for Kawasaki Rail Car, Inc.

Att.

cc. Counsel of Record (via ECF and email)

Granted.

12/10/2019

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge